

PRELIMINARY ACTION AGENDA LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council
January 2, 2008

Lake Forest City Hall
25550 Commercentre Drive
City Council Chamber
Lake Forest, California 92630

PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is **NOT** intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.

CALL TO ORDER:

6:06 p.m.

ROLL CALL: Council Members:

Richard T. Dixon
Kathryn McCullough
Marcia Rudolph
Peter Herzog
Mark Tettermeter

Mayor Pro Tem:
Mayor:

City Manager:
City Attorney:
City Clerk:

Robert C. Dunek
Scott C. Smith
Sherry A.F. Wentz

RECESS: City Council recessed at 6:06 p.m., for the purpose of conducting Closed Session business.

CLOSED SESSION (F: 16.3)

6:06 p.m.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (Two (2) properties.)

Negotiating Parties: William Lyon Company, City Manager and Assistant City Manager

Property: APN 104-541-33 & 34

Under Negotiation: Price and terms of payment

Negotiating Parties: Medix Ambulance, City Manager and Assistant City Manager

Property: Use of Citywide Streets and Right-of-Ways

Under Negotiation: Price and terms of franchise/possible extension

2. CONFERENCE WITH LEGAL COUNSEL REGARDING THE FOLLOWING:

- A. Anticipated litigation pursuant to Government Code Section 54956.9(b): Two (2) Cases.
- B. Existing litigation pursuant to Government Code Section 54956.9(a): Two (2) Cases.

Case Name: City of Lake Forest v. Lake Forest Body Centre
Case Number: 07CC11555

Case Name: City of Lake Forest v. Lake Forest Body Centre
Case Number: G039669

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 7:00 p.m. from Closed Session, for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:06 p.m. with all Members present to continue regular City business.

PUBLIC SESSION

7:06 p.m.

PLEDGE OF ALLEGIANCE: (F: 26.21)

Council Member McCullough led the Pledge of Allegiance to the Flag of our Country.

CLOSED SESSION REPORT: (F: 16.3)

City Attorney reported on Closed Session.

PRESENTATIONS: (F: 55.1)

1. REQUESTS FOR COMMENDATIONS AND PROCLAMATIONS submitted by City Clerk.
 - A. COMMENDATION FOR LORETTA HERRIN AS THE 2007 PARKS & RECREATION CHAIRPERSON (F: 23.6A) (X :55.4)
 - B. RECOGNITION OF EXPLORER CAPTAIN MIKE GRIJALVA, EXPLORER RECRUIT GARTH DOKKEN, EXPLORER RECRUIT JOHN LEAHY III, AND EXPLORER RECRUIT CASEY SIVERO (F: 48G) (X: 55.5)

ACTION: On motion by Mayor Tettermer and second by Council Member Dixon the City Council: 1. Approved requests as submitted. 2. Made presentations to those present. MOTION UNANIMOUSLY CARRIED.

2. REPORT BY INVESTMENT OVERSIGHT REVIEWER QUARTER ENDED SEPTEMBER 30, 2007, submitted by Director of Finance/City Treasurer. (F: 30.10A)

ACTION: Received and filed.

CITY COUNCIL CEREMONIAL ITEMS

3. COMMENTS AND RECOGNITION OF 2007 MAYOR (F: 26.1)
 - A. COMMENTS BY 2007 MAYOR submitted by City Clerk.

ACTION: Received comments by 2007 Mayor Richard T. Dixon.

- B. PRESENTATION OF RESOLUTION COMMENDING 2007 MAYOR

ACTION: Mayor Tettermer and Members of the City Council made presentations to 2007 Mayor Richard T. Dixon.

4. COMMENTS BY NEW MAYOR submitted by City Clerk.

ACTION: New Mayor Tettemer was given the opportunity to present comments.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

Due to school holiday closures, there was no presentation from Student Liaison Brittney Slack.

RECESS: City Council recessed at 7:40 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvened at 7:42 p.m. to continue regular City business, with all Members present.

PUBLIC COMMENTS: (F: 26.12)

The following member of the public offered comments: Dr. James Gardner.

CONSENT CALENDAR – WARRANT REGISTER: (Item No. 5)

5. WARRANT REGISTER submitted by Director of Finance/City Treasurer in the amount of \$1,691,712.88. (F: 30.11)

Council Member Rudolph pulled the following warrants for the purpose of clarification: Dave Bang Associates, Inc. and Kustom Signals Inc.

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council approved the remaining balance of the Warrant Register as submitted. MOTION CARRIED WITH COUNCIL

**MEMBER DIXON ABSTAINING ON WARRANT PAYABLE TO
SUNSET PROPERTY AND ROGER FAUBLE PUBLIC AFFAIRS.**

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrant payable to Dave Bang Associates, Inc. **MOTION UNANIMOUSLY CARRIED.**

ACTION: On motion by Council member Rudolph and second by Council Member McCullough, the City Council approved the warrant payable to Kustom Signals, Inc. **MOTION UNANIMOUSLY CARRIED.**

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 6 - 16) (Item Nos. 12, 13, 15, and 16 were pulled from the Consent Calendar for separate consideration.)

6. **MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS WHICH APPEAR ON THE PUBLIC AGENDA SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.**

ACTION: On motion by Mayor Tetteimer and second by Council Member Dixon, the City Council waived reading by title of Ordinances and Resolutions. **MOTION UNANIMOUSLY CARRIED.**

7. **MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON NOVEMBER 20, 2007, submitted by City Clerk**

ACTION: On motion by Mayor Tetteimeter and second by Council Member Dixon, the City Council approved the Minutes of the regular meeting of the City Council held on November 20, 2007, as submitted. **MOTION UNANIMOUSLY CARRIED.**

8. **ADOPTION OF ORDINANCE NO. 181 submitted by City Clerk. (F: 20.2)**

ACTION: On motion by Mayor Tettermer and second by Council Member Dixon, the City Council: 1. Conducted second reading of Ordinance No. 181 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING SECTION 8.24.030 OF TITLE 8 OF THE LAKE FOREST MUNICIPAL CODE ADOPTING SECTION 102.9 OF THE CALIFORNIA FIRE CODE RELATING TO THE RECONCILIATION OF CONFLICTING PROVISIONS. 2. Adopted Ordinance No. 181 as submitted. MOTION UNANIMOUSLY CARRIED.

9. CITY FINANCIAL REPORTS – QUARTER ENDED SEPTEMBER 30, 2007, submitted by Director of Finance. (F: 30.13)

ACTION: On motion by Mayor Tettermer and second by Council Member Dixon, the City Council received and filed City Financial Reports. MOTION UNANIMOUSLY CARRIED.

10. MONTHLY TREASURER’S REPORT submitted by Director of Finance/City Treasurer. (F: 30.12)

ACTION: On motion by Mayor Tettermer and second by Council Member Dixon, the City Council received and filed Monthly Treasurer’s Report. MOTION UNANIMOUSLY CARRIED.

11. RENEWAL OF ORANGE COUNTY FIRE AUTHORITY JOINT POWERS AUTHORITY AGREEMENT submitted by Assistant to the City Manager. (F: 71.7F)

ACTION: On motion by Mayor Tettermer and second by Council Member Dixon, the City Council: 1. Approved the First Amendment to the Amended Joint Powers Authority Agreement – Orange County Fire Authority. 2. Authorized the City Manager to sign and the City Clerk to attest the First Amendment. MOTION UNANIMOUSLY CARRIED.

12. REQUEST FOR PROPOSAL FOR BORREGO PARK IMPROVEMENTS AND PLAYGROUND RENOVATIONS AT ALTON, EL TORO, FOOTHILL COMMUNITY AND RANCHWOOD PARKS (PW 2007.22A & 2007.22B) submitted by Director of Community Services.

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council supported City staff's Request for Proposal for professional services for Borrego Park Improvements and Playground Renovations at Alton, El Toro, Foothill Community and Ranchwood Parks. Council authorized staff to solicit proposals from a prequalified consultant team for services. MOTION UNANIMOUSLY CARRIED.

13. CONTRACT AWARD FOR STREET RESURFACING AND SLURRY SEAL IMPROVEMENTS ON VARIOUS CITY STREETS (PW 2005.05 D&E) submitted by Director of Public Works/City Engineer. (F: 64.4A PW 2005.05 D&E)

ACTION: On motion by Mayor Pro Tem Herzog and second by Council Member Dixon, the City Council: 1. Waived the minor bid irregularity of a substitute reference submittal form, and awarded a construction contract in the amount of \$1,638,523 to All American Asphalt of Corona, California, for the Street Resurfacing and Slurry Seal Improvements on Various City Streets Project (PW 2005.05 D&E). 2. Upon receipt of the executed contract documents from All American Asphalt, rejected all other bids received and authorized return of the Bid Bonds. 3. Authorized the Mayor to sign, and the City Clerk to attest, the contract with All American Asphalt. 4. Authorized the City Manager to approve contract change orders up to a maximum of ten percent (10%) of the contract amount. MOTION UNANIMOUSLY CARRIED.

14. AWARD OF PROFESSIONAL CONSULTANT AGREEMENT FOR THE LAKE FOREST DRIVE DRAINAGE IMPROVEMENT PROJECT (PW 2007.24) submitted by Director of Public Works/City Engineer. (F: 60.6H)

ACTION: On motion by Council Member Herzog and second by Council Member Dixon, the City Council: 1. Approved the selection of DMC

Design Group for Professional Consultant Services for the Lake Forest Drive Drainage Improvement Project (PW 2007.24). 2. Authorized the Mayor to execute an agreement with DMC Design Group, substantially in the form attached. MOTION UNANIMOUSLY CARRIED.

15. SECOND AMENDMENT TO AGREEMENT FOR STREET SWEEPING SERVICES submitted by Director of Public Works/City Engineer.
(F: 64.5A)

ACTION: On motion by Mayor Pro Tem Herzog and seconded by Council Member Rudolph, the City Council: 1. Approved the Second Amendment to Agreement for Street Sweeping Services with Sunset Property Services, substantially in the form attached. 2. Authorized the Mayor to sign, and the City Clerk to attest, the contract amendment. MOTION CARRIED WITH COUNCIL MEMBER DIXON ABSTAINING.

16. CONSENSUS PLAN – UNIVERSALLY ACCESSIBLE PLAYGROUND AT PITTSFORD PARK submitted by Director of Community Services.
(F: 34.3B) (2007.23)

ACTION: On motion by Council Member Dixon, and second by Council Member McCullough, the City Council approved the Consensus Plan for a Universally Accessible Playground at Pittsford Park and authorized staff to direct the architect to develop final plans and specifications. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

17. REGENCY AND NORMANDALE PARK SITES submitted by Assistant City Manager and Director of Community Services. (F: 46.23) (2003.20)
(F: 46.24) (2003.21)

ACTION: On motion by Council Member Dixon and second by Mayor Pro Tem Herzog, the City Council directed City staff and the Parks and

- Recreation Commission to move forward with preliminary plans for Regency and Normandale Parks. MOTION UNANIMOUSLY CARRIED.
18. ANNUAL CITY COUNCIL APPOINTMENTS TO BOARDS, COMMITTEES, COMMISSIONS, AND AGENCIES submitted by City Clerk. (F: 23.2)

ACTION: On motion by Council Member Rudolph and second by Council Member Dixon, the City Council made no changes to the Boards, Commission, Committee, and Agency Representation. MOTION UNANIMOUSLY CARRIED.

19. ACTIONS REGARDING MEMORANDUM OF UNDERSTANDING FOR THE SERRANO CREEK RESTORATION submitted by Director of Public Works/City Engineer. (F: 60.7A2)

ACTION: The City Council received and filed the report.

20. LEGISLATIVE MATTERS submitted by Assistant to the City Manager. (F: 72.2B)

ACTION: Received and filed report with minute action to adopt positions on various legislative proposals as recommended.

21. REQUESTS FOR APPOINTMENT TO AGENCIES, BOARDS, COMMISSIONS AND/OR COMMITTEES THROUGH THE LEAGUE OF CALIFORNIA CITIES submitted by City Clerk. (F: 43.3C)

ACTION: The City Council made no appointments

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member Dixon presented no comments.

Council Member McCullough presented comments.

Council Member Rudolph presented comments.

Mayor Pro Tem Herzog presented comments.

Mayor Tettermer presented comments.

CLOSED SESSION: (F: 16.3)

ACTION: There was no continued Closed Session.

ADJOURNMENT: (F: 26.8) 8:37 p.m.